

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

P.S. – Education (SE) Department –APAT set aside the punishment of Removal of Sri K.N.Shanth Kumar, Superintendent, o/o D.G.E., Hyd. – Placing Sri K.N.Shantha Kumar was under deemed suspension by setting aside the punishment – Inquiry Officer Appointment Show Cause notice issued – Explanation received – Imposition of penalty under APRP Rules, 1980 – Orders Issued.

EDUCATION [SE- Vig.I(1)] DEPARTMENT

G.O.Rt. No. 488

Dated: 04.09.2012

Read the following:

1. Proc.Rc.No.18/A1-1/2000, the D.G.E., Hyd., dt.19.6.2002 & dt.16.1.2003. (charge memos.)
2. From Sri K.N.Shanth Kumar, Written Statements of Defence, dt.29.6.2002 & 25.1.2003.
3. From the D.G.E., Lr.Rc.No.18/A1-1/2000, dt.27.8.2002.
4. G.O.Rt.No.435 Edn., dt.17.5.2003.
5. Inquiry Report dt.16.2.2005 of Smt.B.M.Kusuma Kumari, J.D.(EE), o/o DSE, Hyd. & Inquiry Officer.
6. Proc.Rc.No.18/A1-1/2000, dt.27.10.2005. the D.G.E., Hyd., (removal from service)
7. From the APAT, Order dt.12.11.2009 in OA No.8747/2005.
8. G.O.Rt.No.400, Edn.[SE-Vig.I] Deptt., dt.16.7.2010.
9. G.O.Rt.No.851, Edn.[SE-Vig.I] Deptt., dt.5.12.2011.
10. From the G.A.(COI.LP) Deptt., D.O.Lr.No.344/COI.LP/2011-1, dt.19.1.02012
11. Govt.Memo.No.849/SE-Vig.I(1)/2006, dt.01.02.2012.
12. From K.N.Shanth Kumar, Supdtt.(Retd.),Written statement of defence , dt.16.2.2012
13. Govt.Memo.No.849/SE-Vig.I(1)/2006, dt.16.07.2012.
14. From K.N.Shanth Kumar, Supdtt.(Retd.), Written statement of defence dt.6.8.2012

ORDER:

Whereas, in the Proceedings 1st read above, the Director of Government Examinations, Hyderabad, framed charges against Sri K.N.Shantha Kumar, Superintendent, o/o D.G.E., Hyd. After considering the written statements of defence 2nd read above, the Director of Government Examinations decided to appoint Inquiry Officer, other than from D.G.E. Office, to conduct inquiry in fair manner and without any bias ; and therefore requested the Govt., to appoint the Inquiry Officer. Accordingly, Smt.B.M.Kusuma Kumari, Dy.Director (Trg.), O/o the Director of School Education, Hyd., was appointed as Inquiry Officer, vide G.O.4th read above, for conducting inquiry into the charges against Sri K.N.Shantha Kumar. She has conducted inquiry and submitted the report 5th read above. After considering the inquiry report, the Director of Government Examinations, Hyderabad has removed Sri K.N.Shanth Kumar from service, vide Proceedings 6th read above. Aggrieved by the said Proceedings, Sri K.N.Shantha Kumar filed O.A. No.8747/2005 in the APAT. His date of retirement was due on 30.11.2005.

2. The Hon'ble APAT, Hyderabad in its order dt.12.11.2009 in O.A. No.8747/2005, has ordered that the Enquiry Officer has steeped and traversed beyond the scope of charge and has given report which is not in consonance with the Rule 20 of sub-rule 23(i) of APCs(CC&A) Rules and the entire proceedings are vitiated and in the result the impugned orders are set aside and however left open to the authorities to proceed against the applicant strictly in accordance with rules.

(P.T.O)

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3. After careful examination of the matter, Government have placed Sri K.N.Shantha Kumar under **deemed suspension** from the date of removal to the date of retirement i.e., from 27.10.2005 to 30.11.2005 under Rule 8(4) of A.P.C.S.(CCA) Rules,1991, duly setting aside the **punishment orders** in the reference 6th read above and entrusted the case to the Commissioner of Inquiries, for conducting inquiry in accordance with Rules into the charges framed in the Proceedings 1st read above against Sri K.N.Shantha Kumar.

4. And whereas, the COI has submitted its Inquiry Report in the reference 10th read above, wherein the charge 1 & 2 framed against the delinquent, K.N.Shantha Kumar, Superintendent, o/o D.G.E., Hyderabad are held proved. A Copy of the Inquiry Report of the COI has been communicated in the reference 11th read above to the delinquent Sri K.N.Shanth Kumar, Supdtt.(Retd.) O/o the DGE, Hyderabad has submitted his explanation in the reference 12th read above.

5. After considering the matter, a Show Cause Notice was issued in the reference 13th read above, proposing to impose the penalty of 10% cut in pension permanently against Sri K.N.Shanth Kumar, Supdtt.(Retd.) O/o the DGE, Hyderabad for the charges held proved in the enquiry and the delinquent has submitted his explanation in the reference 14th read above.

6. Government after careful examination of the matter, observed that explanation of the delinquent has no valid grounds for consideration and decided to confirm the penalty proposed in the Show Cause Notice in the reference 13th read above.

7. Therefore, in exercise of powers conferred by Rule 9 of A.P.R.P. Rules, 1980, Government hereby impose the penalty of withholding of 10% cut in pension permanently against Sri K.N.Shanth Kumar, Supdtt.(Retd.) O/o the DGE, Hyd

8. The period of deemed suspension from 27.10.2005 to 30.11.2005 is treated as not on duty as per rules in vogue.

9. The Director of Government Examinations, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To
Sri K.N.Shanth Kumar, Supdtt.(Retd.) O/o the DGE, Hyderabad
through the Director of Government Examinations, Hyderabad.
The Director of Government Examinations, Hyderabad.
Copy to the Secretary to Vigilance Commission, APVC.
File

// FORWARDED :: BY ORDER //

SECTION OFFICER